



BILLING CODE 3290-F2

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

Request for Public Comments to Compile the National Trade  
Estimate Report on Foreign Trade Barriers

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** Pursuant to section 181 of the Trade Act of 1974, as amended (19 U.S.C. 2241), the Office of the United States Trade Representative (USTR) is required to publish annually the National Trade Estimate Report on Foreign Trade Barriers (NTE). With this notice, the Trade Policy Staff Committee (TPSC) is requesting interested persons to submit comments to assist it in identifying significant barriers to U.S. exports of goods, services, and U.S. foreign direct investment for inclusion in the NTE.

The TPSC invites written comments from the public on issues that USTR should examine in preparing the NTE.

In 2013, USTR will once again release in conjunction with the NTE report two reports dealing with additional trade barriers - one on SPS measures and one on standards-related measures. USTR will invite written comments from the public on issues that should be examined in preparing those two reports through a separate Notice in the Federal Register that will be forthcoming. Information regarding such measures should NOT be submitted in response to this Notice.

**DATES:** Public comments are due not later than October 15, 2012.

**ADDRESSES:** Submissions should be made via the Internet at [www.regulations.gov](http://www.regulations.gov) docket number USTR-2012-0021. For alternatives to on-line submissions please contact Donald W. Eiss (202-395-3475). The public is strongly encouraged to file submissions electronically rather than by facsimile or mail.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding the NTE or on submitting comments in response to this notice should be directed to Donald W. Eiss at (202)395-3475.

**SUPPLEMENTARY INFORMATION:** The NTE sets out an inventory of the most important foreign barriers affecting U.S. exports of goods and services, U.S. foreign direct investment, and protection of

intellectual property rights. The inventory facilitates U.S. negotiations aimed at reducing or eliminating these barriers. The report also provides a valuable tool in enforcing U.S. trade laws and strengthening the rules-based trading system. The 2012 NTE Report may be found on USTR's Internet Home Page (<http://www.ustr.gov>) under the tab "Reports".

To ensure compliance with the NTE's statutory mandate and the Obama Administration's commitment to focus on the most significant foreign trade barriers, USTR will be guided by the existence of active private sector interest in deciding which restrictions to include in the NTE.

**Topics on which the TPSC Seeks Information:** To assist USTR in preparing the NTE, commenters should submit information related to one or more of the following categories of foreign trade barriers:

- (1) Import policies (e.g., tariffs and other import charges, quantitative restrictions, import licensing, and customs barriers);
- (2) Government procurement restrictions (e.g., "buy national policies" and closed bidding);

- (3) Export subsidies (e.g., export financing on preferential terms and agricultural export subsidies that displace U.S. exports in third country markets);
- (4) Lack of intellectual property protection (e.g., inadequate patent, copyright, and trademark regimes);
- (5) Services barriers (e.g., limits on the range of financial services offered by foreign financial institutions, regulation of international data flows, restrictions on the use of data processing, quotas on imports of foreign films, and barriers to the provision of services by professionals);
- (6) Investment barriers (e.g., limitations on foreign equity participation and on access to foreign government-funded R&D consortia, local content, technology transfer and export performance requirements, and restrictions on repatriation of earnings, capital, fees, and royalties);
- (7) Government-tolerated anticompetitive conduct of state-owned or private firms that restrict the sale or purchase of U.S. goods or services in the foreign country's markets;
- (8) Trade restrictions affecting electronic commerce (e.g., tariff and non-tariff measures, burdensome and discriminatory regulations and standards, and discriminatory taxation); and
- (9) Other barriers (e.g., barriers that encompass more than one category, such as bribery and corruption, or that affect a single sector).

In responding to this notice, commenters should place particular emphasis on any practices that may violate U.S. trade agreements. The TPSC is also interested in receiving new or updated information pertinent to the barriers covered in the 2012 NTE as well as information on new barriers. If USTR does not include in the NTE information that it receives pursuant to this notice, it will maintain the information for potential use in future discussions or negotiations with trading partners.

**Estimate of Increase in Exports:** Each comment should include an estimate of the potential increase in U.S. exports that would result from removing any foreign trade barrier the comment identifies, as well as a description of the methodology the commenter used to derive the estimate. Estimates should be expressed within the following value ranges: Less than \$5 million; \$5 to \$25 million; \$25 million to \$50 million; \$50 million to \$100 million; \$100 million to \$500 million; or over \$500 million. These estimates will help USTR conduct comparative analyses of a barrier's effect over a range of industries.

**Requirements for Submissions:** Commenters providing information on foreign trade barriers in more than one country should, whenever possible, provide a separate submission for each country. Comments addressing SPS or standards-related measures should NOT be submitted in response to this request but should be submitted in response to the separate request for comments which will be forthcoming.

In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the <http://www.regulations.gov> Web site. Comments should be submitted under docket number USTR-2012-0021.

To find this docket, enter the docket number in the "Enter Keyword or ID" window at the <http://www.regulations.gov> home page and click "Search." The site will provide a search-results page listing all documents associated with that docket number. Find a reference to this notice by selecting ``Notices'' under "Document Type" on the search-results page, and click on the link entitled "Submit a Comment." (For further information on using the [www.regulations.gov](http://www.regulations.gov) Web site, please consult the resources provided on the website by clicking on the "Help" tab.)

The <http://www.regulations.gov> Web site provides the option of making submissions by filling in a comments field, or by attaching a document. USTR prefers submissions to be provided in an attached document. If a document is attached, please identify the name of the country to which the submission pertains in the "Comments" field. For example: "See attached comment for (name of country)". USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the "Comments" field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters "BC". The top of any page containing business confidential information must be clearly marked "BUSINESS CONFIDENTIAL". Any person filing comments that contain business confidential information must also file in a separate submission a public version of the comments. The file name of the public version of the comments should begin with the character "P". The "BC" and "P" should be followed by the name of the person or entity submitting the comments. If a comment contains no business confidential information, the file name should begin with the character "P",

followed by the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

**Public inspection of submissions:** Comments will be placed in the docket and open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Comments may be viewed on the <http://www.regulations.gov> Web site by entering the relevant docket number in the search field on the home page.

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Chair, Trade Policy Staff Committee.



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